BEFORE THE BOARD OF MEDICAL EXAMINERS IN THE STATE OF ARIZONA

In the Matter of

MARIA AGUIRRE, M.D.

Holder of License No. **16802** For the Practice of Medicine In the State of Arizona.

Case No. MD-99-0448

inv. Number 12931

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

(Probation)

This matter was considered by the Arizona Board of Medical Examiners ("Board") at its public meeting on August 16, 2001. Maria Aguirre, M.D., ("Respondent") appeared before the Board without legal counsel for a formal interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(I). After due consideration of the facts and law applicable to this matter, the Board voted to issue the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

- 1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of License No. 16802 for the practice of allopathic medicine in the State of Arizona.
- 3. On June 24, 1999, the Board received a letter from Respondent's treating psychiatrist stating that Respondent had a serious mental disorder for which she refused treatment. According to the letter, Respondent was psychotic and expressed suicidal ideation. The psychiatrist concluded that Respondent could not safely practice medicine.

- 4. On July 2, 1999, Richard Zonis, M.D., Board medical consultant, contacted Respondent and requested further psychiatric evaluation to be performed by Edward M. Gentile, D.O.
- 5. In an evaluation dated July 28, 1999, Dr. Gentile reported that Respondent suffered from a delusional disorder, paranoid type but concluded that Respondent was not a threat to herself or others. He recommended continued psychiatric treatment and psychotherapy, including pharmacotherapy.
- 6. Subsequently, on July 28, 1999, Respondent informed Board staff that she was placed on 80 days of medical leave. According to the chief of the Veteran's Administration, where Respondent was employed, Respondent was unpredictable and was the subject of numerous complaints.
- 7. On September 17, 1999, Harry Goldwasser, M.D. evaluated Respondent and ruled out delusional disorder. On September 20, 1999, he concluded that Respondent was not a danger to herself and others. In a subsequent letter dated September 27, 1999, Dr. Goldwasser stated "It is my opinion that she is cleared from a psychiatric standpoint and able to return to work."
- 8. Respondent is currently taking 50 milligrams of Serzone for anxiety and depression and 1 milligram of Lorazepam daily to assist in sleeping.
- 9. Respondent was evaluated by at least two physicians who found that she had a delusional disorder.

CONCLUSIONS OF LAW

 The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board has received substantial evidence supporting the Findings of Fact described above and said findings constitute grounds for the Board to take disciplinary action.

ORDER

IT IS HEREBY ORDERED THAT pursuant to A.R.S. § 32-1451(J)(5) in order to protect the public health and safety and rehabilitate Respondent the Board fixes the following period and terms of probation:

- 1. Maria L. Aguirre, M.D. is placed on five (5) years probation subject to the following terms:
- a. Respondent shall immediately obtain a treating psychiatrist approved by Board staff and shall remain in treatment with the psychiatrist for a minimum of 12 months.
- b. Respondent shall comply with the psychiatrist's recommendations for continuing care and treatment.
- c. Respondent shall instruct the psychiatrist to submit quarterly written reports to the Board regarding diagnosis, prognosis, and written reports and recommendations for continuing care and treatment. The reports shall be submitted on or before the 15th day of March, June, September and December of each year.
 - d. Respondent shall provide the psychiatrist with a copy of this order.
- e. Respondent shall pay the expenses of all the psychological care and be responsible for paying for the preparation of the quarterly reports.
- f. After 12 months, Respondent may submit a written request to the Executive Director requesting that the Board terminate the requirement that Respondent remain in treatment with a psychiatrist. The Board's decision to terminate will be based, in part, upon the treating psychiatrist's recommendation.

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RIGHT TO PETITION FOR REVIEW

Respondent is hereby notified that she has the right to petition for a rehearing. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with the Board's Executive Director within thirty (30) days after service of this Order and pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a rehearing. Service of this order is effective five (5) days after date of mailing. If a motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing is required to preserve any rights of appeal to the Superior Court.

DATED AND EFFECTIVE this 12th day of October, 2001.

BOARD OF MEDICAL EXAMINERS OF THE STATE OF ARIZONA



Executive Director TOM ADAMS

Deputy Director

ORIGINAL of the foregoing filed this 12 day of <u>October</u>, 2001 with:

The Arizona Board of Medical Examiners 9545 East Doubletree Ranch Road Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed by Certified Mail this 12 day of October 2001 to:

Maria L. Aguirre, M.D. **Veterans Administration Center**

| 1 | Tucson, AZ 85723 |
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| 2 | EXECUTED COPY of the foregoing |
| 3 | hand-delivered to each of the following this 12 day of OCTODEY, 2001, to: |
| 4 | |
| 5 | Christine Cassetta, Assistant Attorney General Sandra Waitt, Management Analyst |
| 6 | Lynda Mottram, Compliance Officer Lisa Maxie-Mullins, Legal Coordinator (Investigation File) |
| 7 | Arizona Board of Medical Examiners 9545 E. Doubletree Ranch Road |
| 8 | Scottsdale, AZ 85258 |
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